

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Street Scene & Engineering Cabinet Board

20 October 2017

Report of the Head of Streetcare

M. Roberts

Matter for Decision

Wards Affected: All Wards

Review of vehicle crossover applications

Purpose of Report

- 1 To review the application process for vehicle crossovers

Background

General

- 2 Vehicle crossovers are the points at which drivers of mechanically propelled vehicles cross adopted highway, i.e. footway or verge, in order to gain access to and from the road adjacent to their property.
3. If, for example, residents wish to convert the front of their property to off-street parking, or install a new field gate to their land etc., then they need to:
 - a) Apply to the Highway Authority for permission for a vehicle crossover; and, where permission is granted;
 - b) Construct a crossover to the standard required by the Highway Authority given it will become part of the adopted highway.
- 4 Submitted applications are assessed to determine if the Council, as Highway Authority, is satisfied there is safe access and egress to and from the premises, and a new crossover would not adversely affect the movement of traffic in the highway. However premises with a frontage directly onto a classified road need to gain planning permission before a new vehicle crossover can be

installed, and in this case Highway Authority observations are sought as part of the planning application process.

The current position in NPT

5. The cost of planning applications is set nationally, whilst this council currently charges a £95 application fee in respect of unclassified roads. There was an average 87 applications per year over the last 3 years to construct a vehicle crossover on unclassified roads.
6. Where applications are approved on both unclassified and classified roads, applicants are sent a pack including a standard specification for the work, a list of statutory undertakers for plant enquires, and an indemnity form.
7. Under current policy, the applicant can choose to build a crossover themselves or employ a contractor to build an approved crossover, subject to having public liability insurance of £5 million.
8. Under Section 184 of the Highways Act 1980, the Council has powers to build a crossover over a kerbed footway or verge and as such the Council can provide applicants with a quotation to construct an approved crossover for them. Alternatively, under Section 278 of the Highways Act 1980, the Council can enter into an agreement with a landowner/developer to construct a vehicle crossover in the public highway as the Council's agent.
9. In the case of when the Council is resurfacing a footway as part of ongoing maintenance, and finds an unauthorised (and thereby illegal) crossover is present, then in the event the presence of the crossover passes the usual 'safety' assessment test then current practice is to offer construction of a crossover as part of the works for a nominal fee of £52, which at current costs is below the value of the works.

The position in Neighbouring Authorities

10. Neighbouring Local Authorities have varying processes for vehicle crossover applications as set out below.

Swansea: An application fee of £88 is charged which is non-refundable. If a crossover is approved then the works can only be

completed by the Council's direct labour organisation. The quotation provided to applicants is non-negotiable and normally in the region of £1300-£1400 for a standard crossover.

Carmarthenshire: An application fee of £135 is charged which is non-refundable. Works must be completed by 'streetworks qualified' private contractors under a licence agreement. The cost for the works is a matter between the contractor and the applicant.

Bridgend: An application fee of £114 is charged, of which £57 is for the initial application and is non-refundable). Works must be completed by private contractors registered and approved with 'Construction Line' under an indemnification. The cost for the works is again a matter between the contractor and the applicant.

Issues for Neath Port Talbot

11 The main issues for consideration are:

- Set an appropriate application fee in respect of new vehicle crossover applications on unclassified road;
- Ensuring crossovers are constructed to the appropriate standard given the Council will become responsible for ongoing maintenance
- Dealing with illegal crossings as and when they are found on footways about to undergo maintenance; and,
- Dealing with illegal crossings generally.

Setting an appropriate application fee

12 Having reviewed current costs it is proposed that the Council charge an application fee of £130 in respect of vehicle crossover applications. If the application is refused then it is proposed that £60, which is included to cover the cost of construction monitoring, be refunded.

Ensuring crossovers are constructed to the appropriate standard

13 It is necessary to determine how best to ensure, so far as is reasonable commensurate with the work, that any construction is under taken to the Council's requirements. The options here are to:

- Require that the Council's Direct Labour Organisation undertakes the work;
- Require an applicant to use a contractor approved by the Council, along with the provision of suitable public liability indemnity during the work, and conduct on-site inspection at the time of construction. (An issue with this approach is that the Council does not currently maintain an approved list of contractors for this work);
- Require an applicant to use a 'streetworks qualified' private contractor under a licence agreement; or,
- Require an applicant to use a private contractor registered and approved with 'Construction Line', along with the provision of public liability indemnity during the work (Bridgend are currently looking to review their approach)

From these options, the use of either the Council's DLO, or a 'Streetworks Qualified' private contractor working under a Licence Agreement are the preferred approaches.

14. It is proposed that this Council should require an applicant for a vehicle crossover to engage either a 'Streetworks Qualified' private contractor working under a Licence Agreement, or alternatively, the applicant can engage the Council's DLO to undertake the work in the case where a quotation for the work has been requested and provided.

Dealing with illegal crossings as and when they are found on footways about to undergo maintenance

- 14 It is proposed to revise the current charge for constructing a vehicle crossover as part of a footway resurfacing scheme. The proposed standard fee is £480.00 (for a total of up to 6 kerbs comprising 2 dropper kerbs and 4 straight drop kerbs). Additional kerbs over the standard 6 kerbs would then be charged at £100 each. [A quotation for undertaking work independent of a maintenance scheme would be more than double this amount]
15. If resident do not wish to pay for the crossing to be formalised then the Council will simply remove any obstruction such as ramps installed in the road channel line.

Dealing with illegal road crossings generally

- 17 The Council as the Highway Authority for the purposes of the Highways Act 1980 can take enforcement action relating to illegal crossovers.
- 18 It is proposed the Council continue to deal with public complaints relating illegal vehicle crossovers on a case by case basis.

Financial Impact

- 19 All costs associated with vehicle crossover applications and their construction should be covered by the applicant and as such, where charges are indicated, these have been set on the basis of recovering the Council's reasonable costs.

Equality Impact Assessment

- 20 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment

Workforce Impact

- 21 There are no workforce impacts associated with this report

Legal Impact

- 22 None.

Risk Management

- 23 Failure to manage vehicle crossovers would invite a 'free for all' with potentially serious road safety implications.
- 24 Application fees and the need to construct vehicle crossovers to adoptable standards (with associated cost) may discourage people from making application for vehicle crossovers.
- 25 Vehicles habitually traversing a footway and/or verge without a proper vehicle crossover can cause damage to the highway

including trip hazard and other defects which can give rise to claims against the Council.

Consultation

26 There is no requirement under the Constitution for external consultation on this item

Recommendation(s)

27 It is recommended that:

- a) The Council charge an application fee of £130 in respect of vehicle crossover applications. If the application is refused then it is proposed that £60, which is included to cover the cost of construction monitoring, be refunded;
- b) The Council require an applicant for a vehicle crossover to engage either a 'Streetworks Qualified' private contractor working under a Licence Agreement, or alternatively, the applicant could engage the Council's DLO to undertake the work in the case where a quotation for the work has been requested and provided.
- c) Revise the current charge for constructing a vehicle crossover as part of a footway resurfacing scheme to a standard fee of £480.00 (for a total of up to 6 kerbs comprising 2 dropper kerbs and 4 straight drop kerbs). Additional kerbs over the standard 6 kerbs would then be charged at £100 each. [This is less than half the price for undertaking work independent of a maintenance scheme]. Where residents do not wish to pay for the crossing to be formalised then the Council will remove any obstructions such as ramps installed in the road channel line.
- d) The Council continue to take enforcement action in response to public complaints relating illegal vehicle crossovers on a case by case basis.

Reason for Proposed Decision(s)

28 To set out the Council's policy in respect of the administration of applications for vehicle crossovers

Implementation of Decision

29 The decision is proposed for implementation after the three day call in period

Appendices

30 None

List of Background Papers

31 None

Officer Contact

32 Mr Steve Owen, Highway & Drainage Services Manager, Tel: 01639 686304 or email: s.owen@npt.gov.uk